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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 2419

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments are not convincing. The Examiner has reviewed all of the record and believes the pending claim rejections are proper.

- In the Remarks filed 4/9/2009, Applicant contends that Lui's disclosure of a control program that specifies a desired threshold value of ambient temperature within a particular storage device does not meet the claim limitations regarding a "high level programming language".
- The Examiner respectfully disagrees. One of ordinary skill in the art would understand Lui's disclosure of a "control program" implemented using either "high level" or "low level" programming languages. As shown in the definitions provided by Applicant in the submission filed 4/9/2009, these types of programming languages are known by those of ordinary skill in the art. Thus, their use in providing such control programs as in Lui is also known. Furthermore, the cited disclosure of Lui illustrates the control program based on human language rather than the underlying machine language, such as in the high level Pascal command format provided (i.e. Temperature of storage device $X \leq Y$ degrees). As the claim rejections are based upon 35 USC 103, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize programming using either low-level or high-level languages for specifying such disclosed system variables based upon the requirement (or lack thereof) of user input to the system.

/Gregory B Sefcheck/

Primary Examiner, Art Unit 2419

4-14-2009